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# SENATE BILL No. 301

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## DIGEST OF INTRODUCED BILL

**Citations Affected:** IC 12-15-2.

**Synopsis:** Medicaid transfer of assets. Specifies that the office of Medicaid policy and planning, in determining eligibility, may not consider a total of \$1,200 per year in contributions by an individual to a family member or nonprofit organization as an improper transfer. Prohibits an individual serving a Medicaid transfer of property penalty from counting the cost of specified services as part of the individual's spend down to receive other Medicaid services.

**Effective:** July 1, 2009.

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**Miller**

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January 7, 2009, read first time and referred to Committee on Health and Provider Services.

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First Regular Session 116th General Assembly (2009)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2008 Regular Session of the General Assembly.

## SENATE BILL No. 301

A BILL FOR AN ACT to amend the Indiana Code concerning Medicaid.

*Be it enacted by the General Assembly of the State of Indiana:*

1 SECTION 1. IC 12-15-2-23 IS ADDED TO THE INDIANA CODE  
2 AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY  
3 1, 2009]: **Sec. 23. When the office conducts a look back (as**  
4 **described in 42 U.S.C. 1396p(c)) to determine, for purposes of**  
5 **eligibility, whether an individual improperly transferred assets, the**  
6 **office shall not consider in total one thousand two hundred dollars**  
7 **(\$1,200) per year of contributions made by the individual to a:**

8 (1) family member; or  
9 (2) nonprofit organization;  
10 **as an improper transfer.**

11 SECTION 2. IC 12-15-2-23.5 IS ADDED TO THE INDIANA  
12 CODE AS A **NEW** SECTION TO READ AS FOLLOWS  
13 [EFFECTIVE JULY 1, 2009]: **Sec. 23.5. If the office has determined**  
14 **that an individual improperly transferred assets and the individual**  
15 **is serving a transfer of property penalty, the individual may not**  
16 **count the costs for:**

17 (1) services provided by a health facility licensed under



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1       **IC 16-28;**

2       **(2) services provided by a facility with a level of care that is**  
3       **equivalent to the care received at a health facility licensed**  
4       **under IC 16-28; or**

5       **(3) home and community based services under 42 U.S.C.**  
6       **1396n(c);**

7       **as part of the individual's spend down to receive other Medicaid**  
8       **services.**

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